

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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Elizabeth Irene Hochmuth,

Plaintiff,

vs.

REPORT AND RECOMMENDATION

Stearns County Department of
Human Services, Greg Knoll,
LSW Suzanne Baden,
LSW Betsy Jungens,
LSW Donna M. Geislinger,
Pam Iger, Roma Steil, and
Janelle Kendall,

Defendants.

Civ. No. 07-4382 (DWF/RLE)

* * * * *

This matter came before the undersigned United States Magistrate Judge upon the routine supervision of cases filed in this Division, and upon an assignment made in accordance with Title 28 U.S.C. §636(b)(1)(B).

This action was commenced on October 26, 2007, by the filing of a Complaint and several Exhibits with the Clerk of Court. See, Docket Nos. 1-2. At that time, the Plaintiff also filed an application to proceed in forma pauperis (“IFP”). See, Docket No. 3. By Order dated November 20, 2007, see, Docket No. 4, we deferred a ruling

on the Plaintiff's application to proceed IFP, and directed the Plaintiff to file an Amended Complaint that corrected certain fatal flaws in her original Complaint, within thirty (30) days after the date of that Order. The Order expressly advised the Plaintiff that her case would be subject to dismissal unless she complied with the stated requirement within the time allowed.

The deadline for satisfying the requirement of this Court's prior Order has since expired, and the Plaintiff has failed to comply. Therefore, based on the Plaintiff's failure to comply with our Order dated November 20, 2007, and her failure to prosecute this action, we recommend that her Complaint be dismissed, without prejudice. See Rule 41(b), Federal Rules of Civil Procedure (declaring that actions may be dismissed for failure to comply with Court Orders); see also, Link v. Wabash R.R. Co., 370 U.S. 626, 630-31 (1962)(recognizing that a Federal Court has the inherent authority to "manage [its] own affairs so as to achieve the orderly and expeditious disposition of cases").

NOW, THEREFORE, It is --

RECOMMENDED:

1. That the Plaintiff's Complaint [Docket No. 1] be dismissed, but without prejudice, for failure to comply with this Court's Order dated November 20, 2007, and for failure to prosecute.

2. That the Plaintiff's Motion for Leave to Proceed in forma pauperis [Docket No. 3] be denied, as moot.

BY THE COURT:

Dated: December 26, 2007

s/Raymond L. Erickson
Raymond L. Erickson
CHIEF U.S. MAGISTRATE JUDGE

NOTICE

Pursuant to Rule 6(a), Federal Rules of Civil Procedure, D. Minn. LR1.1(f), and D. Minn. LR72.2(b), any party may object to this Report and Recommendation by filing with the Clerk of Court, and by serving upon all parties **by no later than January 15, 2008**, a writing which specifically identifies those portions of the Report to which objections are made and the bases of those objections. Failure to comply

with this procedure shall operate as a forfeiture of the objecting party's right to seek review in the Court of Appeals.

If the consideration of the objections requires a review of a transcript of a Hearing, then the party making the objections shall timely order and file a complete transcript of that Hearing **by no later than January 15, 2008**, unless all interested parties stipulate that the District Court is not required by Title 28 U.S.C. §636 to review the transcript in order to resolve all of the objections made.